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January 29, 2019

## Via ECF

Hon. Freda L. Wolfson, U.S.D.J.  
Hon. Douglas Arpert, U.S.M.J.  
United States District Court for the District of New Jersey  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street, Courtroom 5E  
Trenton, New Jersey 08608

**Re: Scott, et al. v. Brenntag North America, Inc., et al.**  
**Case No. 3:19-cv-335 (FLW) (DEA)**

Dear Judges Wolfson and Arpert:

This firm, along with the firm of Simon Greenstone Panatier, P.C., represent Plaintiff Sharon Scott as Administrator and Administrator ad Prosequendum of the Estate of Shirley Scott, Deceased in the above matter. Earlier today Plaintiffs filed a letter (Exhibit A, ECF No. 8) requesting that briefing on the Motion to Dismiss for Lack of Personal Jurisdiction filed by Defendant Elizabeth Arden, Inc. ("Arden") (ECF No. 5) be stayed pending the outcome of Plaintiff's pending Motion to Remand (ECF No. 3). The purpose of this letter is to correct two errors contained in my letter.

By way of background, the mistakes in my letter earlier today were the result of a misunderstanding on my part as to what was said this afternoon on a phone conference with all counsel in this case. I did not participate on that call since our firm acts as local counsel in this matter. However, as soon as I filed my letter with the Court later in the day, my co-counsel, who did participate in the phone conference, immediately brought the mistakes to my attention. In turn, I

immediately notified all defense counsel by email that I would bring my errors to the attention of the Court by way of this letter.

My letter to the Court was mistaken in two respects. First, I mistakenly stated that all defense counsel, including counsel for Defendant Arden, expressed their consent to a stay of briefing on Defendant's motion to dismiss. In fact, Defendants have not consented to Plaintiff's request. Specifically, Defendant Arden has advised that it opposes Plaintiff's request and believes that its motion should be decided before the Court decides Plaintiff's remand motion.

Second, my letter was also mistaken insofar as it omitted a request by Plaintiff that the deadlines contained in the Judge Arpert's Scheduling Order (ECF No. 2) be stayed pending the outcome of Plaintiff's remand motion. With respect to that request, I have confirmed that all counsel in this case expressed their consent to a stay of the deadlines, if it is acceptable to the Court.

In summary, Plaintiffs are requesting: (1) that briefing on Defendant Arden's motion to dismiss be stayed pending the outcome of Plaintiff's remand motion, which Arden opposes; and (2) that the deadlines contained in the Court's Scheduling Order be stayed pending the outcome of Plaintiff's remand motion, to which all counsel consent.

My apologies to the Court and to counsel for any confusion my errors may have caused.

Respectfully submitted,

**SZAFERMAN, LAKIND,  
BLUMSTEIN & BLADER, P.C.**

s/ Robert E. Lytle  
Robert E. Lytle, Esq.

REL/jwk

c: All counsel of Record (Via Email and Regular Mail)

# **EXHIBIT A**



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**Case No. 3:19-cv-335 (FLW) (DEA)**

Dear Judge Wolfson:

This firm, along with the firm of Simon Greenstone Panatier, P.C., represent Plaintiff Sharon Scott as Administrator and Administrator ad Prosequendum of the Estate of Shirley Scott, Deceased in the above matter. Currently pending before the Court is a Motion to Dismiss for Lack of Personal Jurisdiction filed by Defendant Elizabeth Arden, Inc. ("Arden") (ECF No. 5). Plaintiff's opposition is due Tuesday, February 19, 2019. The purpose of this letter, therefore, is to request that the briefing on Arden's motion be stayed until Plaintiff's pending Motion to Remand (ECF No. 3) is decided. On a conference call today with all defense counsel, including counsel for Defendant Arden, Defendants expressed their consent to this request.

Plaintiff originally filed this complaint in the Superior Court of New Jersey on December 18, 2018. On January 10, 2019, Counsel for Arden filed a Notice of Removal of Scott's complaint to this Court, pursuant to Title 28 U.S.C. §§ 1441 and 1332 (ECF No. 1). Plaintiff subsequently filed a Motion to Remand on January 22, 2019 (ECF No. 3), which has not yet been opposed and is presently returnable before Your Honor on February 19, 2019. Plaintiff, by way of this

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*Hon. Fred L. Wolfson, U.S.D.J.  
January 29, 2019*

*Page 2*

adjournment request, seeks to avoid the potentially unnecessary waste of time and resources that the parties and the Court will spend in connection with Defendant Arden's motion to dismiss that may be mooted by Plaintiff's remand motion.

For these reasons, Plaintiff respectfully requests that briefing on the Motion to Dismiss filed by Defendant Arden be stayed pending the outcome of Plaintiff's remand motion. Thank you for your consideration.

Respectfully submitted,

**SZAFERMAN, LAKIND,  
BLUMSTEIN & BLADER, P.C.**

*s/ Robert E. Lytle*  
Robert E. Lytle, Esq.

REL/jwk

c: All counsel of Record (Via Email and Regular Mail)